

# **In the Court of Appeals of the State of Alaska**

**Jimmy Lampley,**

Appellant,

v.

**State of Alaska,**

Appellee.

Court of Appeals No. **A-13355**

## **Order Rejecting Appellant's Brief**

Date of Notice: **8/2/2019**

Trial Court Case No. **3PA-12-01094CI, 3PA-03-01192CR, 3PA-04-00713CR, 3PA-03-01468CR**

Attorney Benjamin I. Whipple has submitted the Appellant's opening brief. The opening brief was subsequently reviewed by court staff for compliance with Appellate Rule 212. Court staff recommended rejection of the brief because of concerns with the format Mr. Whipple has chosen for the record citations in the brief. The Court agrees that the record citations must be amended before the brief can be accepted.

The Court recognizes that Mr. Whipple faced an unusual problem with the record that has been digitally scanned for this appeal — as he points out in his brief, the scanned appellate record consists of six PDF files with duplication among them in the Bates numbering. These six PDF files encompass four different trial court records: 3PA-03-01192CR, 3PA-03-01468CR, 3PA-03-00713CR, and 3PA-12-01094CI. Thus, a citation to a Bates number does not identify a unique document, nor does it identify which trial court record contains the cited material.

Mr. Whipple explains that because of this problem, the citation form he uses in the brief “will therefore identify by the first number which of the six PDF

*Lampley v. State* -p.2  
File No A-13355  
August 2, 2019

files” is being referred to. But because Mr. Whipple does not explain which of his “first numbers” correlates to which PDF file, this citation format does not adequately identify the file where the Court, or the Appellee, will find the material Mr. Whipple is citing.

For this reason, the Appellant’s opening brief is REJECTED. Mr. Whipple shall amend the Appellant’s opening brief so that each citation includes the last four digits of the PDF trial court file that contains the cited material, followed by the appropriate page number or numbers — for example: [R. 1192/page number(s)], [R.1468/page number(s)], [R. 0713/page number(s)] or [R.1094/page number(s)].

The amended brief is due on or before August 15, 2019.

The appellee’s brief due date of 8/26/2019 is VACATED.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



---

Kyle Roberts, Deputy Clerk

**Distribution:**

Mail:  
Whipple, Benjamin I., Court under Rule 12  
Terrell, Timothy W.